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**JUL 19 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Michael Fripp et al	:	
Application No. 10/090,054	:	ON PETITION
Filed: March 1, 2002	:	
Attorney Docket No. 2001-IP-004288 US1	:	
USA	:	

This is a decision on the petition, filed May 5, 2006, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b)**." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure submit the Issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed November 10, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on February 11, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s)(1).

The Issue fee and publication fee have not been received. The petition to revive can not be granted until these fees are received.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                Mail Stop PETITION  
                             Commissioner for Patents  
                             Post Office Box 1450  
                             Alexandria, VA 22313-1450

By hand:                Customer Service Window  
                             Randolph Building  
                             401 Dulany Street  
                             Alexandria, VA 22314

By facsimile:        (571) 273-8300  
                             ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at  
(571) 272-3210.

A handwritten signature in cursive script, appearing to read "Irvin Dingle", is written over the printed name.

Irvin Dingle  
Petitions Examiner  
Office of Petitions